

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Dierks, Jr. et al.**

Serial No.: 10/621,931

Filed: **July 17, 2003**

**For: Method and Apparatus for
Transferring Data from a Memory
Subsystem to a Network Adapter for
Improving the Memory Subsystem
and PCI Bus Efficiency**

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§ Group Art Unit: 2186

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§ Examiner: **Thai, Tuan V.**

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§ Attorney Docket No.: **AUS920030471US1**

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AFFIDAVIT

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Dell Whitton, being of sound mind and legal age, and fully aware of the punishable nature of making untrue statements as Affiant herein, do hereby attest to personal knowledge of the following:

I am employed by the law firm of Yee & Associates, P.C. (the "Firm"), as a Paralegal, in which capacity I personally receive all Notices of Allowance requiring issue fees to be paid on behalf of the Firm and IBM Corporation (the "Client").

On the mailing date of the Notice of Allowance in question, December 15, 2005, I was employed full time by the Firm and have no record of receipt of said Notice of Allowance. In checking the Patent Application Information Retrieval System (PAIRS), I discovered the Notice of Allowance had been mailed and returned to the USPTO.

When a Notice of Allowance is received, I send a copy to the client and forward the Notice of Allowance for review by the Firm's attorney. The docketing system the Firm uses does have a specific place to enter when a Notice of Allowance is received, therefore, it would have shown on the Case History Report attached hereto had it been received.

Sworn to and attested as follows at Dallas, Texas on Thursday, August 31, 2006:

AFFIANT:

Dell Whitton

Dell Whitton

On this the 31 day of August, 2006, personally appeared before me Dell Whitton, to me known to be the person named in and who executed the above instrument, and acknowledged that she executed the same for the uses and purposes therein mentioned.

Louise Fay
Notary Public
My commission expires: Nov 28/09

(seal)

